

Appl. No. : **10/806,084**
Filed : **March 22, 2004**

REMARKS

A. Introduction

The remarks herein are responsive to the Final Office Action, mailed September 16, 2008. Applicant thanks the Examiners for the telephonic Examiner interview conducted on November 25, 2008. Claims 1-11, 34-37, 44-80 were pending, and these pending claims stand rejected. Applicant has amended independent Claims 1, 34, 60, 65, 74, and 80. Applicant respectfully submits that the claims are in condition for allowance.

B. Amendment to the Specification

To expedite prosecution of this case, applicant has amended the specification as set forth above and pursuant to the Examiner's request in order to merely clarify commonly known industry acronyms not previously defined. Accordingly, Applicant respectfully submits that no new matter has been entered by way of the foregoing amendments.

C. Amendment to the Claims

To expedite prosecution of this case, applicant has amended Claims 1, 34, 60, 65, 74, and 80. Support for these claim amendments may be found at least in paragraphs [0037], [0043], [0044], [0045], [0046], [0047], [0050], [0053], [0084], [0089], [0103], and [0120], and in Figure 15. Accordingly, Applicant submits that no new matter has been entered by way of the claim amendments.

D. Claim Rejection Under 35 U.S.C. § 102(b)

1. Claims 1-7, 9-11, 34-37, 44-48, 50-80 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Publication No. 2002/0178441 to Hashimoto. Applicant submits that Hashimoto does not anticipate or render obvious all the limitations of the pending claims.

A. With reference to Claim 1, Applicant respectfully submits that Hashimoto does not teach or disclose, among other things, "receiving a broadcast using a communications device, wherein the broadcast comprises at least one broadcast segment; extracting, using the communications device, at least a unique event identifier corresponding to a specific instance of the broadcast segment and user options associated with the broadcast segment, wherein the unique event identifier comprises a code that distinguishes at least: a broadcaster identifier; a product, item, or service identifier; and a date and time of the broadcast segment; the unique event identifier being provided by a data manager, wherein the data manager is separate from the

Appl. No. : 10/806,084
Filed : March 22, 2004

communications device; storing, using the communications device, the unique event identifier and the user options associated with the broadcast segment in a memory of the communications device for a period of time after the broadcast of the broadcast segment, the communications device configured to allow a user to select the user options after the broadcast of the broadcast segment; detecting, using the communications device, a selection by the user of the user options in response to the broadcast segment; extracting from the communications device a user identifier.”

The Office Action, dated September 16, 2008, states that “the at least a unique event identifier” reads on the “program ID” disclosed in Hashimoto (*see* Final Office Action at page 2); however, the foregoing is a misunderstanding of Applicant’s unique event identifier. From a complete reading of Hashimoto, it is clear that the “program ID” disclosed therein “is identifying information for specifying the Internet-broadcasted **programs**.” *See* Hashimoto at page 2, paragraph [0024] (emphasis added). Further it is clear that **advertisements** can be “run in programs.” *See* Hashimoto at page 2, paragraph [0025] (emphasis added). Although advertisements can be run in a program, Hashimoto only assigns one program ID to both the program and the advertisements because Hashimoto admits that the system can only “specify each Internet-broadcasted **program**”, (*see* Hashimoto at page 2, paragraph [0021]) and therefore the Hashimoto system can only “estimate the advertising effectiveness of the advertisements run with those programs” (*see* Hashimoto at page 5, paragraph [0072]). If, in Hashimoto, both programs and advertisements were assigned a unique event identifier, then the exact advertising effectiveness of the advertisement could be determined but Hashimoto’s system is not capable of the foregoing functionality. Accordingly, Hashimoto does not teach or disclose, “receiving a broadcast using a communications device, wherein the broadcast comprises at least one broadcast segment; extracting, using the communications device, at least a unique event identifier corresponding to a specific instance of the broadcast segment and user options associated with the broadcast segment, wherein the unique event identifier comprises a code that distinguishes at least: a broadcaster identifier; a product, item, or service identifier; and a date and time of the broadcast segment.”

Therefore, Applicant respectfully submits that Claim 1 is at least allowable for the reasons set forth above. Claims 2-11, 44-47, and 50-52 depend from Claim 1, and therefore

Appl. No. : **10/806,084**
Filed : **March 22, 2004**

applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 1. Further, Claims 2-11, 44-47, and 50-52 are allowable for the additional unique combination of features disclosed therein.

Further, it appears that there has been a misreading of Hashimoto because Applicant's "the at least a unique event identifier" clearly does not read on Hashimoto's "program ID" because the two work in different ways. Specifically, Hashimoto discloses and teaches that the program ID "specifies the network-distributed **program**." See Hashimoto at page 1, paragraph [0008] (emphasis added). Nowhere does Hashimoto disclose changing the program ID with each broadcast of the network-distributed program but rather it is clear that Hashimoto uses the same code each time the program is broadcast. Therefore, the Hashimoto program ID is unique only with respect to a particular program. Accordingly, the Hashimoto program ID cannot be used to distinguish between the same program broadcast at different times and/or by different broadcasters. Thus, Hashimoto does not teach or disclose an, "unique event identifier comprises a code that distinguishes at least: a broadcaster identifier; a product, item, or service identifier; and a date and time of the broadcast segment."

Therefore, Applicant respectfully submits that Claim 1 is at least allowable for the reasons set forth above. Claims 2-11, 44-47, and 50-52 depend from Claim 1, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 1. Further, Claims 2-11, 44-47, and 50-52 are allowable for the additional unique combination of features disclosed therein.

Additionally, Hashimoto does not disclose or teach, "storing, using the communications device, the unique event identifier and the user options associated with the broadcast segment in a memory of the communications device for a period of time after the broadcast of the broadcast segment, the communications device configured to allow a user to select the user options after the broadcast of the broadcast segment." In contrast, Hashimoto discloses a system for carrying "out real time compilation of the audience rating..." See Hashimoto at page 5, paragraph [0071]. In order to produce a real time compilation of the audience rating, the Hashimoto system does not store the program ID in the client terminal for a period of time after the broadcast of the program.

Therefore, Applicant respectfully submits that Claim 1 is at least allowable for the

Appl. No. : **10/806,084**
Filed : **March 22, 2004**

reasons set forth above. Claims 2-11, 44-47, and 50-52 depend from Claim 1, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 1. Further, Claims 2-11, 44-47, and 50-52 are allowable for the additional unique combination of features disclosed therein.

B. With reference to Claim 34, Applicant respectfully submits that Hashimoto does not teach or disclose, among other things, “a method for tracking and compiling user responses to a broadcast segment in a broadcast, the method comprising: providing at least one unique event identifier corresponding to a specific instance of each broadcast segment and at least one user option associated with the broadcast segment; broadcasting the at least one unique event identifier and the at least one user option associated with the broadcast segment over a data stream; receiving, using a broadcast receiver device, the broadcast segment, the at least one unique event identifier, and the at least one user option associated with the broadcast segment; detecting a selection by a user of the at least one user option in response to the broadcast segment; transmitting, using the broadcast receiver device, at least one data packet in response to the broadcast segment; receiving the at least one data packet from the broadcast receiver device in response to the broadcast segment; extracting the at least one unique event identifier from the at least one data packet, wherein an identity of a broadcaster of the broadcast segment can be determined by comparing the at least one unique event identifier with a lookup table.”

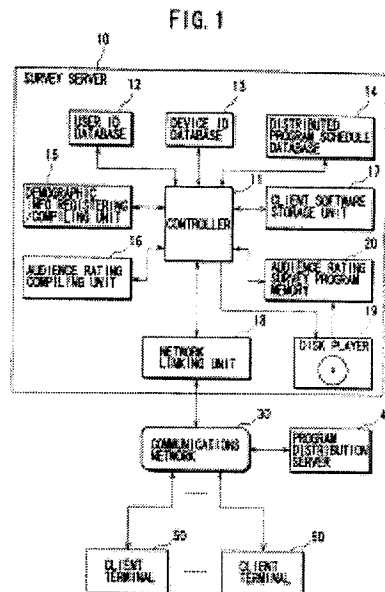
The Office Action, dated September 16, 2008, states that “the at least a unique event identifier” reads on the “program ID” disclosed in Hashimoto (see Final Office Action at page 5); however, the foregoing is a misunderstanding of Applicant’s unique event identifier. From a complete reading of Hashimoto, it is clear that the “program ID” disclosed therein “is identifying information for specifying the Internet-broadcasted programs.” See Hashimoto at page 2, paragraph [0024] (emphasis added). Further it is clear that advertisements can be “run in programs.” See Hashimoto at page 2, paragraph [0025] (emphasis added). Although advertisements can be run in a program, Hashimoto only assigns one program ID to both the program and the advertisements because Hashimoto admits that the system can only “specify each Internet-broadcasted program”, (see Hashimoto at page 2, paragraph [0021]) and therefore the Hashimoto system can only “estimate the advertising effectiveness of the advertisements run with those programs” (see Hashimoto at page 5, paragraph [0072]). If, in Hashimoto, both

Appl. No. : **10/806,084**
Filed : **March 22, 2004**

programs and advertisements were assigned a unique event identifier, then the exact advertising effectiveness of the advertisement could be determined but Hashimoto's system is not capable of the foregoing functionality. Accordingly, Hashimoto does not teach or disclose, "a method for tracking and compiling user responses to a broadcast segment in a broadcast, the method comprising: providing at least one unique event identifier corresponding to a specific instance of each broadcast segment and at least one user option associated with the broadcast segment; broadcasting the at least one unique event identifier and the at least one user option associated with the broadcast segment over a data stream."

Therefore, Applicant respectfully submits that Claim 34 is at least allowable for the reasons set forth above. Claims 35-37, 48, and 53-59 depend, either directly or indirectly, from Claim 34, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 34. Further, Claims 35-37, 48, and 53-59 are allowable for the additional unique combination of features disclosed therein.

Additionally, the Office Action, dated September 16, 2008, points to paragraph [0036] of Hashimoto for disclosure relating "an identity of a broadcaster of the broadcast segment can be determined by comparing the at least one unique event identifier with a lookup table." From a complete reading Hashimoto it becomes apparent that Hashimoto discloses a system capable of handling only one program distribution server at a time. Nowhere in the specification does Hashimoto disclose that the system can handle multiple program distribution servers. Hashimoto clearly focused his system on the rating of multiple programs from a singular distribution server. Further, even Figure 1 from Hashimoto shows only but one program distribution server 40 connected to Hashimoto's survey server.



Accordingly, Hashimoto never discloses using the program ID to extract the identity of the broadcaster because the Hashimoto system has no need for such identification in view of the fact that only one program distribution server is connected to the system. Therefore, Hashimoto does not teach or disclose, “extracting the at least one unique event identifier from the at least one data packet, wherein an identity of a broadcaster of the broadcast segment can be determined by comparing the at least one unique event identifier with a lookup table.”

Therefore, Applicant respectfully submits that Claim 34 is at least allowable for the reasons set forth above. Claims 35-37, 48, and 53-59 depend, either directly or indirectly, from Claim 34, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 34. Further, Claims 35-37, 48, and 53-59 are allowable for the additional unique combination of features disclosed therein.

C. With reference to Claim 60, Applicant respectfully submits that Hashimoto does not teach or disclose, among other things, “a method for configuring a communications device to respond to reception of a broadcast comprising at least a broadcast segment, the broadcast segment associated with a unique event identifier specific to the broadcast segment, the method comprising: configuring the communications device to extract at least the unique event identifier corresponding to the broadcast segment and at least one user option associated with the broadcast segment, the unique event identifier being provided by a data manager that is separate from the communications device; configuring the communications device to store the unique event identifier and the user options associated with the broadcast segment in a memory of the

Appl. No. : **10/806,084**
Filed : **March 22, 2004**

communications device for a period of time after the broadcast of the broadcast segment, the communications device further configured to allow a user to select the user options after the broadcast of the broadcast segment; configuring the communications device to detect a selection by the user of the at least one user option in response to the broadcast segment; configuring the communications device to extract from the communications device a user identifier.”

The Office Action, dated September 16, 2008, states that “the at least a unique event identifier” reads on the “program ID” disclosed in Hashimoto (*see* Final Office Action at page 7); however, the foregoing is a misunderstanding of Applicant’s unique event identifier. From a complete reading of Hashimoto, it is clear that the “program ID” disclosed therein “is identifying information for specifying the Internet-broadcasted **programs**.” *See* Hashimoto at page 2, paragraph [0024] (emphasis added). Further it is clear that **advertisements** can be “run in programs.” *See* Hashimoto at page 2, paragraph [0025] (emphasis added). Although advertisements can be run in a program, Hashimoto only assigns one program ID to both the program and the advertisements because Hashimoto admits that the system can only “specify each Internet-broadcasted **program**”, (*see* Hashimoto at page 2, paragraph [0021]) and therefore the Hashimoto system can only “estimate the advertising effectiveness of the advertisements run with those programs” (*see* Hashimoto at page 5, paragraph [0072]). If, in Hashimoto, both programs and advertisements were assigned a unique event identifier, then the exact advertising effectiveness of the advertisement could be determined but Hashimoto’s system is not capable of the foregoing functionality. Accordingly, Hashimoto does not teach or disclose, “configuring a communications device to respond to reception of a broadcast comprising at least a broadcast segment, the broadcast segment associated with a unique event identifier specific to the broadcast segment.”

Therefore, Applicant respectfully submits that Claim 60 is at least allowable for the reasons set forth above. Claims 61-64 depend from Claim 60, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 60. Further, Claims 61-64 are allowable for the additional unique combination of features disclosed therein.

Additionally, Hashimoto does not disclose or teach, “configuring the communications device to store the unique event identifier and the user options associated with the broadcast

Appl. No. : 10/806,084
Filed : March 22, 2004

segment in a memory of the communications device for a period of time after the broadcast of the broadcast segment, the communications device further configured to allow a user to select the user options after the broadcast of the broadcast segment.” In contrast, Hashimoto discloses a system for carrying “out real time compilation of the audience rating...” See Hashimoto at page 5, paragraph [0071]. In order to produce a real time compilation of the audience rating, the Hashimoto system does not store the program ID in the client terminal for a period of time after the broadcast of the program.

Therefore, Applicant respectfully submits that Claim 60 is at least allowable for the reasons set forth above. Claims 61-64 depend from Claim 60, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 60. Further, Claims 61-64 are allowable for the additional unique combination of features disclosed therein.

D. With reference to Claim 65, Applicant respectfully submits that Hashimoto does not teach or disclose, among other things, “determining at least one unique event identifier and any user options associated with the broadcast segment corresponding to a specific instance of the broadcast segment, wherein broadcasting a broadcast comprises at least one broadcast segment; receiving at least one data packet from a user device in response to the broadcast segment, wherein the user device automatically generates the data packet, and further wherein an identity of a broadcaster of the broadcast segment can be determined from the data packet; extracting the at least one unique event identifier from the at least one data packet, wherein the data packet further comprises at least a destination location for the response.”

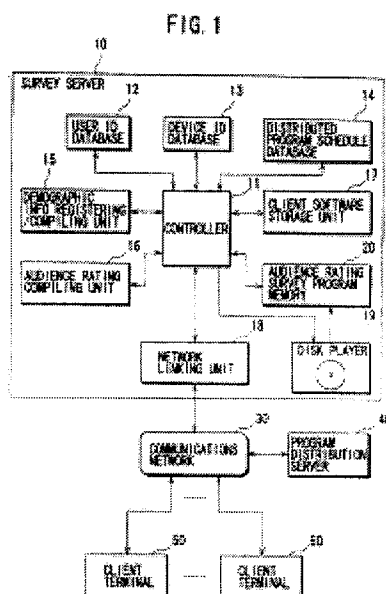
The Office Action, dated September 16, 2008, states that “the at least a unique event identifier” reads on the “program ID” disclosed in Hashimoto (*see* Final Office Action at page 8); however, the foregoing is a misunderstanding of Applicant’s unique event identifier. From a complete reading of Hashimoto, it is clear that the “program ID” disclosed therein “is identifying information for specifying the Internet-broadcasted **programs**.” See Hashimoto at page 2, paragraph [0024] (emphasis added). Further it is clear that **advertisements** can be “run in programs.” See Hashimoto at page 2, paragraph [0025] (emphasis added). Although advertisements can be run in a program, Hashimoto only assigns one program ID to both the program and the advertisements because Hashimoto admits that the system can only “specify

Appl. No. : **10/806,084**
Filed : **March 22, 2004**

each Internet-broadcasted **program**", (*see* Hashimoto at page 2, paragraph [0021]) and therefore the Hashimoto system can only "estimate the advertising effectiveness of the advertisements run with those programs" (*see* Hashimoto at page 5, paragraph [0072]). If, in Hashimoto, both programs and advertisements were assigned a unique event identifier, then the exact advertising effectiveness of the advertisement could be determined but Hashimoto's system is not capable of the foregoing functionality. Accordingly, Hashimoto does not teach or disclose, "determining at least one unique event identifier and any user options associated with the broadcast segment corresponding to a specific instance of the broadcast segment, wherein broadcasting a broadcast comprises at least one broadcast segment."

Therefore, Applicant respectfully submits that Claim 65 is at least allowable for the reasons set forth above. Claims 66-73 depend, either directly or indirectly, from Claim 65, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 65. Further, Claims 66-73 are allowable for the additional unique combination of features disclosed therein.

Additionally, the Office Action, dated September 16, 2008, points to paragraph [0036] of Hashimoto for disclosure relating "an identity of a broadcaster of the broadcast segment can be determined from the data packet." From a complete reading Hashimoto it becomes apparent that Hashimoto discloses a system capable of handling only one program distribution server at a time. Nowhere in the specification does Hashimoto disclose that the system can handle multiple program distribution servers. Hashimoto clearly focused his system on the rating of multiple programs from a singular distribution server. Further, even Figure 1 from Hashimoto shows only but one program distribution server 40 connected to Hashimoto's survey server.



Accordingly, Hashimoto never discloses using the program ID to extract the identity of the broadcaster because the Hashimoto system has no need for such identification in view of the fact that only one program distribution server is connected to the system. Therefore, Hashimoto does not teach or disclose, “an identity of a broadcaster of the broadcast segment can be determined from the data packet.”

Therefore, Applicant respectfully submits that Claim 65 is at least allowable for the reasons set forth above. Claims 66-73 depend, either directly or indirectly, from Claim 65, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 65. Further, Claims 66-73 are allowable for the additional unique combination of features disclosed therein.

E. With reference to Claim 74, Applicant respectfully submits that Hashimoto does not teach or disclose, among other things, “determining at least one unique event identifier corresponding to a specific instance of the broadcast segment, wherein broadcasting a broadcast comprises at least the broadcast segment, and wherein the unique event identifier distinguishes at least a broadcaster, an item, and a date and time of the broadcast segment; receiving at least one data packet from a user device in response to the broadcast segment, wherein the user device automatically generates the data packet and, further wherein an identity of a broadcaster of the broadcast segment can be determined from the data packet; extracting the at least one unique event identifier from the at least one data packet, wherein the data packet comprises at least a

Appl. No. : 10/806,084
Filed : March 22, 2004

destination location for the response; compiling a summary of user responses based at least in part on the extracted unique identifier.”

It appears that there has been a misreading of Hashimoto because Applicant’s “the at least a unique event identifier” clearly does not read on Hashimoto’s “program ID” because the two work in different ways. Specifically, Hashimoto discloses and teaches that the program ID “specifies the network-distributed **program**.” See Hashimoto at page 1, paragraph [0008] (emphasis added). Nowhere does Hashimoto disclose changing the program ID with each broadcast of the network-distributed program but rather it is clear that Hashimoto uses the same code each time the program is broadcast. Therefore, the Hashimoto program ID is unique only with respect to a particular program. Accordingly, the Hashimoto program ID cannot be used to distinguish between the same program broadcast at different times and/or by different broadcasters. Thus, Hashimoto does not teach or disclose an, “the unique event identifier distinguishes at least a broadcaster, an item, and a date and time of the broadcast segment.”

Therefore, Applicant respectfully submits that Claim 74 is at least allowable for the reasons set forth above. Claims 75-79 depend from Claim 74, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 74. Further, Claims 75-79 are allowable for the additional unique combination of features disclosed therein.

F. With reference to Claim 80, Applicant respectfully submits that Hashimoto does not teach or disclose, among other things, “determining the unique event identifier that corresponds to the specific instance of the broadcast segment, wherein broadcasting a broadcast comprises at least the broadcast segment, and wherein the unique event identifier distinguishes at least a broadcaster, an item, and a date and time of the broadcast segment; preparing at least one element of data identifying the broadcast segment; formatting at least the unique event identifier into a data packet for transmission in a data stream; storing at least the unique event identifier, wherein reference to the unique identifier provides access to at least the one element of data identifying the broadcast segment; transmitting the broadcast segment in a main broadcast signal; transmitting at least the data packet in the data stream, wherein an identity of a broadcaster of the broadcast segment can be determined from the data packet.”

It appears that there has been a misreading of Hashimoto because Applicant’s “the at least

Appl. No. : 10/806,084
Filed : March 22, 2004

a unique event identifier” clearly does not read on Hashimoto’s “program ID” because the two work in different ways. Specifically, Hashimoto discloses and teaches that the program ID “specifies the network-distributed **program**.” See Hashimoto at page 1, paragraph [0008] (emphasis added). Nowhere does Hashimoto disclose changing the program ID with each broadcast of the network-distributed program but rather it is clear that Hashimoto uses the same code each time the program is broadcast. Therefore, the Hashimoto program ID is unique only with respect to a particular program. Accordingly, the Hashimoto program ID cannot be used to distinguish between the same program broadcast at different times and/or by different broadcasters. Thus, Hashimoto does not teach or disclose an, “the unique event identifier distinguishes at least a broadcaster, an item, and a date and time of the broadcast segment.”

Therefore, Applicant respectfully submits that Claim 80 is at least allowable for the reasons set forth above.

2. Claim 8 is rejected under 35 U.S.C. § 103(a) as unpatentable in view of U.S. Patent Publication No. 2002/0178441 to Hashimoto and in further view of U.S. Patent No. 6,611,201 to Bishop et al. Applicant submits that Hashimoto and Bishop, either alone or in combination, do not render obvious Claim 8 because neither reference discloses all the claimed limitations. Further, Claim 8 depends from Claim 1, and therefore Applicant respectfully submits that Claim 8 is allowable for the same reasons set forth for Claim 1. Additionally, Claim 8 is allowable for the additional unique combination of features disclosed therein.

E. Conclusion


Applicant respectfully submits that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner’s rejections and each of the Examiner’s assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Please charge

Appl. No. : 10/806,084
Filed : March 22, 2004

any additional fees, including any fees for additional extension of time, or credit overpayment to
Deposit Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/3/2008

By: 
Thomas Y. Yee
Registration No. 57,013
Attorney of Record
Customer No. 20,995
(949) 760-0404

6298950